

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

CONSTANCE V. MELKONIAN,

Plaintiff,

vs.

U.S. GOVERNMENT, SECRETARY OF
HEALTH AND HUMAN SERVICES,

Defendants.

CASE NO. 06cv2081 BTM(BLM)

**ORDER GRANTING MOTION TO
PROCEED IN FORMA PAUPERIS
AND DISMISSING CASE WITH
LEAVE TO AMEND**

On September 25, 2006, Plaintiff commenced this action. It appears that Plaintiff is seeking judicial review of the Social Security Administration's denial of her application for Supplemental Security Income benefits. Plaintiff has also filed a motion to proceed *in forma pauperis* under 28 U.S.C. § 1915.

Having considered Plaintiff's supporting declaration, the Court determines that Plaintiff has made a sufficient showing of inability to pay the filing fees and court costs. Accordingly,

IT IS ORDERED THAT:

- (1) Plaintiff's request to proceed *in forma pauperis* is **GRANTED**. Plaintiff is permitted to prosecute this action without being required to prepay fees or costs and without being required to post security; and
- (2) The Clerk of Court shall file Plaintiff's Complaint without prepayment of the filing fee.

1 However, the Court also **DISMISSES** the Complaint for failing to name the proper
2 defendant. The proper defendant is Jo Anne B. Barnhart, Commissioner of Social Security.
3 The Social Security Administration is no longer part of the Health and Human Services
4 Administration. Plaintiff may file an amended complaint naming the proper defendant on or
5 before **October 30, 2006. Failure to do so will result in the termination of this case.**

6 Plaintiff's father, Garo Melkonian, states that he is the "authorized representative" of
7 Plaintiff and includes his signature on the Complaint. However, a non-attorney has no
8 authority to appear as an attorney for others. C.E. Pope Equity Trust v. United States, 818
9 F.2d 696, 697 (9th Cir. 1987). It appears that Plaintiff is no longer a minor and therefore
10 does not need to proceed via a guardian ad litem unless she is incompetent. If Mr.
11 Melkonian contends that Plaintiff is incompetent and seeks to be appointed as her guardian
12 ad litem, he may file a motion for such relief. Otherwise, Plaintiff can proceed pro se in her
13 own name.

14 **IT IS SO ORDERED.**

15 DATED: October 4, 2006



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17 Hon. Barry Ted Moskowitz
18 United States District Judge

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